

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Tommy Lee Kirk,

PETITIONER

v.

United States of America,

RESPONDENT

Crim. No. 4:07-cr-00796-TLW-1

C/A No. 4:16-cv-01085-TLW

Order

The Court directs the parties to brief the question of whether *Mathis v. United States*, 136 S. Ct. 2243 (2016) applies retroactively on collateral attack in this case, and the Government is directed to state whether they are waiving any potentially applicable statute of limitations defense.

The parties are directed to file their briefs by Wednesday, November 9, 2016. If either party needs additional time, the Court will consider an appropriate request.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Chief United States District Judge

November 4, 2016
Columbia, South Carolina